

sum of \$150, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it should contain not less than 80 per cent of milk fat.

W. M. JARDINE, *Secretary of Agriculture.*

**12846. Misbranding of linseed meal. U. S. v. Spencer Kellogg & Sons, a Corporation. Defendant found in default. Fine, \$50 and costs.** (F. & D. No. 9719. I. S. Nos. 15403-p, 15404-p.)

On May 20, 1919, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spencer Kellogg & Sons, a corporation, trading at Superior, Wis., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about September 12 and 13, 1917, respectively, from the State of Wisconsin into the State of Michigan, of quantities of linseed meal which was misbranded.

Analysis of a sample of the article taken from each consignment by the Bureau of Chemistry of this department showed that the said samples contained 26.86 and 27.39 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement "Protein 30.00%," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article contained not less than 30 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 30 per cent of protein, whereas, in truth and in fact, it did contain less than 30 per cent of protein.

On November 10, 1924, the case having come on for final disposition, the court directed the defendant in default and assessed a fine of \$50 and costs against the said defendant.

W. M. JARDINE, *Secretary of Agriculture.*

**12847. Adulteration and misbranding of linseed meal. U. S. v. Spencer Kellogg & Sons, a Corporation. Defendant found in default. Fine, \$100 and costs.** (F. & D. Nos. 8311, 8324. I. S. Nos. 6252-m, 6253-m, 6262-m, 6263-m, 16351-m, 16352-m, 16354-m, 16355-m, 16356-m, 16357-m, 16359-m.)

On October 8, 1919, the United States attorney for the Western District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spencer Kellogg & Sons, a corporation, trading at Superior, Wis., alleging shipment by said company, in violation of the food and drugs act, between the dates of October 2 and October 19, 1916, from the State of Wisconsin, in part into the State of Maryland and in part into the State of Illinois, of quantities of linseed meal which was adulterated and misbranded. The article was labeled in part: "Old Process Linseed Meal \* \* \* Ingredients Flax Seed Products."

Examination of the article by the Bureau of Chemistry of this department showed that it contained from 25 to 30 per cent of screenings.

Adulteration of the article was alleged in the information for the reason that weed seeds or screenings had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength and had been substituted in part for linseed meal and flaxseed products, which the said article purported to be.

Misbranding was alleged in substance for the reason that the statements in the labeling, namely, "Linseed Meal \* \* \* Ingredients Flax Seed Products," with respect to a portion of the product, and "Old Process Linseed Meal \* \* \* Ingredients Flax Seed Products," with respect to the remainder thereof, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was linseed meal composed of flaxseed products, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was linseed meal composed of flaxseed products, whereas, in truth and in fact, it was not linseed meal composed of flaxseed products but was a product composed in part of weed seeds or screenings.

On November 10, 1924, the case having come on for final disposition, the court directed the defendant company in default, and assessed a fine of \$100 and costs against the said company.

W. M. JARDINE, *Secretary of Agriculture.*